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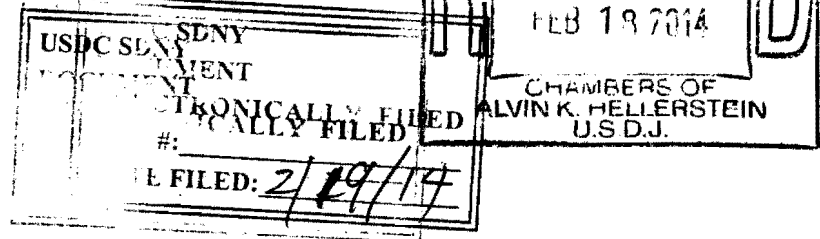
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February 18, 2014

BY FAX (212) 805-7942 AND ECF

Hon. Alvin K. Hellerstein  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312



Re: *Shenkman Capital Management, Inc., v. Ariel Investments, LLC*,  
No. 13 Civ. 0796 (AKH)

Dear Judge Hellerstein:

We are counsel for plaintiff in the above referenced action. On January 23, 2014, the Court ordered that "[a] suggestion of settlement having been made, this case is dismissed, subject to restoration by either party within 30 days on notice." Thereafter, the parties continued their negotiations concerning a potential settlement. However, despite diligent efforts by both parties, we have been unable as of yet to reach a mutually agreeable resolution.

No settlement having been reached, plaintiff hereby provides notice that it wishes to restore the above referenced action to active status. To that end, plaintiff requests that the Court rescind its January 23d order and reinstate the action and/or restore the matter to active status per the terms of the January 23d Order.

Should the Court have any questions, I am available for a telephonic conference at the Court's convenience.

Respectfully submitted,

Kyle C. Bisceglie

cc: Arthur Gollwitzer, Esq. (via email)  
Luke DeMarte, Esq. (via email)  
Thomas J. Fleming, Esq. (via email)

*The issues that remain  
shall first be discussed at  
conference, 2-21-14, 10<sup>00</sup>-a.m.  
2-19-14  
[Signature]*

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